

REMARKS

In the Office Communication dated May 17, 2006, the Examiner issued a Restriction/Election Requirement in reply to the Applicants' Amendment of February 15, 2006.

The Requirement requires the Applicants to elect one of the following groups:

- I. Claims 1-43, 45-56, 65-107, 109-120, 129-148-154 and 156-167, drawn to a method and apparatus computing novelty index value based on how unusual it is for a wireless device to occupy a location; and;
- II. Claims 1-43, 45-56, 65-107, 109-120, 129-154 and 156-167, drawn to a method and apparatus computing a novelty index value reflecting a probability of a device occupying a location.

The Examiner then indicates that the Applicants have constructively elected Group I based on original presentation for prosecution on the merits, and thus the claims of Group II as amended ("amended claims") in the latest Amendment of February 15, 2006 are withdrawn from consideration. As such, the Examiner asserts that the amended claims filed in response to the Office Action of September 26, 2005 are non-responsive.

Pursuant to a teleconference with the Examiner on July 11, 2006, the Applicants respectfully submit this reply along with an RCE to address this Communication. Specifically, the Applicants respectfully assert that: (1) all groups of claims (i.e., GROUPS I and II) are properly presented in the same application; (2) undue diverse searching should not be required; and (3) all claims specifically in Group II as amended in the Amendment of February 15, 2006 should be entered and examined. For example, the claims as amended still relate to "novelty index value" pertaining to "location" of a device and, thus, it is respectfully submitted that undue diverse searching is unnecessary. Further, these changes were previously presented to the Examiner via teleconference and made in accordance with the Examiner's suggestions (see e.g., Office Action 9/26/05, p. 45).

For the foregoing reasons, it is respectfully submitted that the restriction/election requirement should be withdrawn, that the Amendment of February 15, 2006 is responsive and should be entered, and that an action on the merits of all the claims is respectfully solicited.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 4208-4013. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

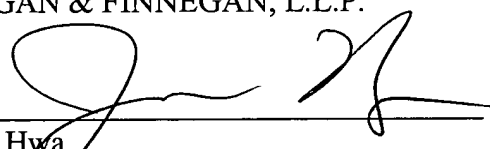
In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 4208-4013. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Dated: _____

7/17/06

By: _____

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.


James Hwa
Registration No. 42,680
(202) 857-7887 Telephone
(202) 857-7929 Facsimile

Correspondence Address:

Morgan & Finnegan, L.L.P.
3 World Financial Center
New York, NY 10281-2101